

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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OSCAR RAMIREZ, JAVIER GUERRERO,  
GERONIMO HERCULANO, PABLO RUTILIO,  
MAGGIE ANDRES CRECENCIO, GUILLERMO ALVAREZ,  
JUANA CRUZ HERNANDEZ, LEONIDAS MATEO,  
ANYELI OVALLES HERNANDEZ, MIRNA REYES  
MARTINEZ, RAMON ROSARIO, OMAR TAVERAS,  
LUIS ESPINAL, and JUAN SALMERON on behalf of  
themselves and others similarly situated,

**No.: 14 -cv- 4030**

**Hon. Valerie E. Caproni**

**AFFIDAVIT OF OSCAR RAMIREZ  
IN SUPPORT OF PLAINTIFFS'  
REQUEST FOR CONDITIONAL  
CLASS CERTIFICATION**

Plaintiffs,

v.

M L RESTAURANT, CORP., M.L. SAN JOSE ENTERPRISES, CORP.,  
d/b/a LIBERATO RESTAURANT, ANTONIO MANUEL LIBERATO,  
FERNANDO LIBERATO, VICTOR LIBERATO, NELSON GOMEZ,  
LUCY GOMEZ, SARAH VALLEJO, NANA (LNU), and ROMEO (LNU)  
jointly and severally,

Defendants

-----X  
State of New York )

) ss.:

County of New York )

OSCAR RAMIREZ, residing at 2200 Walton Ave., Apt 6F, Bronx, New York, being duly  
sworn, deposes and says:

1. From on or about March 15, 2006 to on or about December 15, 2013 I was  
employed by Liberato Restaurant as a dishwasher and rice cook.

2. Liberato Restaurant is an establishment with locations at 1 West 183<sup>rd</sup> St. and 10  
West Burnside Avenue, County of the Bronx, State of New York.

3. I worked at Liberato's 183<sup>rd</sup> Street location. When I was hired approximately  
forty-eight (48) workers were employed at this location. Of these, approximately eight (8) were

fryers, cooks, and dishwashers covering two shifts. Many workers left because of the low wages and there were constantly new workers taking their place.

4. I regularly worked at least ten (10) hours a day, six (6) or seven (7) days per week, and was paid in cash at the end of each week.

5. From on or about May 1, 2008 to on or about November 5, 2012, I was paid \$360 for sixty (60) hours, and \$420 for seventy (70) hours per week.

6. From on or about November 6, 2012 to on or about December 15, 2013, I was paid \$420 for sixty (60) hours, and \$490 for seventy (70) hours per week.

7. Throughout my time at Liberato, I would eat standing up, or sitting in the stairwell. This was the practice of all the kitchen staff, as we not allowed to take rest or meal breaks.

8. In November 2013 I attended a workers' rights workshop and learned that I was not being paid the minimum wage. I knew that other workers had been fired for asking for raises. Other workers and I discussed the situation and I learned that they too were not being paid minimum wage and were forbidden from taking breaks. When I asked the manager Nelson about why we were not being paid minimum wage or receiving breaks he said we do not touch that subject here.

9. I never received overtime for hours worked in excess of forty (40) per week, nor did my coworkers as far as I know.

10. From the time I began to work at Liberato I never received a statement of wages. I believe this was true of all my coworkers.

11. At some point in 2012 the manager Lucy Gomez told me that I would have to sign in a book to receive my pay. Sometimes I had to sign beside my name even when there was

pay no amount of wages written in. The manager did not give me a copy to keep for my records.

I saw others signing the same page.

12. For the reasons above, I believe that my coworkers and I were treated similarly.

WHEREFORE, it is respectfully urged that the request for conditional certification of a representative class be granted.

Sworn to before me this

OSCAR

OSCAR RAMIREZ

29<sup>th</sup> day of September 2014.

Rebecca Ishak

Notary Public

REBECCA T. ISHAK  
Notary Public, State of New York  
No. 0156286012  
Qualified in Queens County  
Commission Expires July 22, 2017